part of the territory formerly in the seventh was placed in another district and some territory not previously in the seventh was added to it. In 1918 Fitzgerald resigned and the governor called an election in the seventh district to fill the vacancy. *Held,* two judges dissenting, that the election must be held in the district as changed and not in the district as it existed at the time of the election of Fitzgerald. *People ex rel. Fitzgerald* v. *Voorhis* (1918) 222 N. Y. 494.

Under the Constitution of the United States (Art. 1, § 4) Congress may make regulations as to the manner of choosing representatives in Congress, and it has provided that they shall be elected in each state by districts equal in number to the number of representatives allotted to the state, and that no district shall elect more than one representative. 37 Stat. 13; see *Ex parte Yarbrough* (1884) 110 U. S. 651, 660, 4 Sup. Ct. 152. To allow an election in the district as changed would conflict with this provision, since not only would the residents in the territory newly annexed to the district be allowed to participate in the election of two representatives, *Hunt* v. *Menard* (House of Reps. 1869) McCrary, Elections (4th ed.) § 190, 1 Hinds, Precedents of the House of Representatives § 327d, but the people in the territory cut off from the seventh would be denied representation. *Hunt* v. *Menard, supra*; *cf. Warren* v. *Mayor of Charleston* (1854) 68 Mass. 84, 105. It is difficult, moreover, to see how a vacancy in the Sixty-fifth Congress could exist in a district which, like the district as changed, did not exist when that Congress was chosen. The court considered that there could be no election in the old district on the ground that the legislature had put an end to its existence. But since the legislature could not abridge the terms of the representatives chosen in 1916 for two years and thus the reapportionment could not become effective, under normal conditions, during the life of the Sixty-fifth Congress, Mechem, Public Officers, § 467; *cf. Lowe* v. *Commonwealth* (1861) 60 Ky. 237, it would seem that the reapportionment was not intended to affect the representation in the Sixty-fifth Congress, but was intended to deal solely with elections to subsequent Congresses, and therefore that the legislative intention was to preserve the existing districts until the termination of the life of the Sixty-fifth Congress. Moreover, since the reapportionment comprehended an extensive scheme of redistricting, it would seem that the legislature intended that the provision for the creation of the new seventh district should become effective only when the provisions for the creation of the other new districts took effect, *cf. Matter of Dowling* (1916) 219 N. Y. 44, 59, 113 N. E. 545, and that until all the provisions of the reapportionment took effect, the old district should continue its existence. *Cf. Matter of Dowling, supra.*

EQUITY—EFFECT OF JURY VERDICT IN EQUITABLE ACTION.—In a bill to enjoin trespass and recover damages, the chancellor sent the parties to law to try the title. *Held,* that the finding of the jury was not merely advisory upon the chancellor but controlling, and would be set aside only if flagrantly opposed to the evidence. *Fort* v. *Wiser* (Ky. 1918) 201 S. W. 7.

The equity court has inherent power to decide any question of law or fact in any case over which it has jurisdiction. Shipman, Equity Pleading § 63. The chancellor may in his discretion, however, either submit issues of fact to a jury, or may send the parties to the law

court to adjudicate their legal rights. See *American Dock & Improvement Co.* v. *Trustees for Public Schools* (1883) 37 N. J. Eq. 266; Shipman, *loc. cit.* In the former event the findings are purely advisory, and the chancellor is free to disregard them. *Kohn* v. *McNulta* (1893) 147 U. S. 238, 13 Sup. Ct. 298. If he rejects them as against the weight of the evidence, he is not constrained to award a new trial, as he would be in a law action, but may proceed to give final judgment. *Garrett* v. *Stevenson* (1846) 8 Ill. 261, 278. But where the chancellor sends the parties to law to adjudicate their legal rights, the verdict of the law court is controlling. See *American Dock & Improvement Co.* v. *Trustees for Public Schools, supra.* In the absence of statute, neither party has an absolute right to have issues of fact in an equity action submitted to a jury, *Selfridge* v. *Leonard-Heffner Co.* (1911) 51 Colo. 314, 117 Pac. 158, and this despite the fact that legal as well as equitable relief is sought. *Lynch* v. *Metropolitan Elev. Ry.* (N. Y. 1891) 28 Abb. N. C. 1; *Neff* v. *Barber* (Wis. 1917) 162 N. W. 667; but see *Morton Brick & Tile Co.* v. *Sodergren* (1915) 130 Minn. 252, 153 N. W. 527. Legislation has in some respects altered this orthodox procedure. Statutes are now found which give an absolute right to have certain issues of fact arising in an equity action passed upon by a jury. *Winchester* v. *Watson* (1916) 169 Ky. 213, 183 S. W. 483; *Brown* v. *Greer* (1914) 16 Ariz. 215, 141 Pac. 841. In such cases it seems that the verdict of a jury is entitled to as much weight as is given any other jury verdict, and that consequently the finding so made is controlling, and not merely advisory. *Winchester* v. *Watson, supra*; *Morawick* v. *Martineck's Guardian* (1908) 128 Ky. 155, 107 S. W. 759. Even under such statutes, where the chancellor in his discretion submits an issue to the jury which is not demandable as a matter of right, the verdict is still only advisory. See *Morawick* v. *Martineck's Guardian, supra.* The decision in the principal case would probably have been the same independently of statute, since it seems that the parties had been sent to law to adjudicate their legal rights, but the existence of a statute in this jurisdiction giving the right of jury trial in equitable actions involving legal issues makes the result undoubtedly correct.

INTERNATIONAL LAW—SOVEREIGNTY—EXEMPTION FROM JUDICIAL REVIEW. —A Mexican military commander of the Carranza government, since recognized as the *de jure* government of Mexico by the United States, seized and sold property of a Mexican citizen as a military contribution. The property was brought to the United States by the purchaser. In an action of replevin by the assignee of the former owner, *held,* the validity of the sale was not subject to review in the United States courts. *Oetjen* v. *Central Leather Co.* (1918) 38 Sup. Ct. 309.

It is a well settled principle of international law that the government of a sovereign state has supreme authority over all acts committed within its territory, and the decisions of its courts are not subject to judicial review in any other state. Satisfaction can be obtained by another country only through diplomatic channels. *Underhill* v. *Hernandez* (1897) 168 U. S. 250, 18 Sup. Ct. 83. What is the *de jure* government of a country is a strictly political and not a judicial question, *Pearcy* v. *Stranahan* (1907) 205 U. S. 257, 27 Sup. Ct. 545, and the determination of this question by the executive